



## U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581  
Telephone: (202) 418-5000  
Facsimile: (202) 418-5521  
[www.cftc.gov](http://www.cftc.gov)

Office of the  
Commissioner

Jill Sommers  
Commissioner

January 26, 2012

The Honorable Pat Roberts  
Ranking Member  
Committee on Agriculture, Nutrition, and Forestry  
United States Senate  
328A Russell Senate Office Building  
Washington, DC 20510

Dear Senator Roberts:

Thank you for your letter dated January 10, 2012 regarding the establishment of a task force to develop recommendations for policy or regulatory changes in the aftermath of MF Global's bankruptcy and the shortfall in customer segregated funds. As you are aware, on November 8, 2011, Chairman Gensler signed a Statement of Non-Participation in which he determined that he would "not participate personally and substantially in any enforcement matter involving specific parties MF Global, MF Global Holdings Ltd., MF Global Inc., and J.C. Flowers & Co ... and any matter directly related thereto." On November 9, 2011, the remaining members of the Commission elected me, as Senior Commissioner, to "exercise the executive and administrative functions of the Commission that otherwise would be exercised by the Chairman" with respect to the "MF Global Matters" covered by the Chairman's Statement of Non-Participation. A memorandum from the Office of General Counsel to the Commission identified the "MF Global Matters" as "the enforcement investigation pursuant to the Commission's Order of Investigation, the two pending bankruptcy cases in the Southern District of New York involving the specific parties listed above in the MF Global Matters, and any other actions to locate or recover customer funds or determine the reasons for shortfalls in the customer accounts." While I appreciate your suggestion that I lead a task force to address policy or regulatory changes, I have been informed that leading such a task force does not fall within the scope of my election to oversee the MF Global bankruptcy and enforcement matters.

As you point out, a full accounting of MF Global lessons learned cannot be taken until the Commission's enforcement investigation is concluded. In the interim, however, Chairman Gensler has directed Commission staff to develop recommendations for enhancing Commission and designated self-regulatory organization (DSRO) programs related to the protection of customer funds, which could include changes to Commission rules governing futures commission merchants, enhanced Commission oversight of DSROs, and possible statutory changes, among other things. I believe a task force consisting of outside experts and stakeholders would be helpful to the Commission's

efforts to move forward with initiatives aimed at enhancing the protection of customer segregated funds, and am hopeful Commission leadership will pursue your suggestion before issuing the CFTC's own recommendations.

My focus remains on ensuring that the Commission does everything in its power to make MF Global customers whole and to prosecute any violations of the Commodity Exchange Act or Commission regulations. I am happy to answer any questions you may have regarding the scope of my election with respect to MF Global Matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jill E. Sommers". The signature is written in dark ink and is positioned below the word "Sincerely,".

Jill E. Sommers

cc: Chairwoman Debbie Stabenow  
Chairman Frank D. Lucas  
Ranking Member Collin Peterson